

**STATE OF NEVADA
BOARD OF EXAMINERS
FOR LONG TERM CARE ADMINISTRATORS**

**MINUTES OF QUARTERLY MEETING
MAY 11, 2004
OFFICE OF THE ATTORNEY GENERAL
NEVADA JUSTICE DEPARTMENT
5420 KIETZKE LANE
RENO, NV 89511**

1. THE MEETING WAS CALLED TO ORDER BY MARGARET MCCONNELL, CHAIRPERSON, AT 9:45 A.M.
2. TERRY PEDROTTI, EXECUTIVE SECRETARY, CALLED THE ROLL:

BOARD MEMBERS:

MARGARET MCCONNELL, CHAIR PERSON
DONNA ROSE, SECRETARY/TREASURER
ARNOLD H. GREENHOUSE, M. D.
CAROL SALA

MARY ELLEN WILKINSON, VICE CHAIRPERSON
TERRY CLODT
DOUGLAS R. SINCLAIR

STAFF:

CHARLOTTE M. BIBLE, CHIEF DEPUTY ATTORNEY GENERAL
TERRY PEDROTTI, EXECUTIVE SECRETARY

GUESTS:

PAMELA GRAHAM, CHIEF BLC
PAUL SHUBERT, BLC LAS VEGAS
PATTI SWAGER, NGE

DEBORAH (HUMPHREYS) BOGNATO, BLC
GILDA JOHNSTONE, CHIEF ELDER RIGHTS, DAS

MARGARET MCCONNELL WELCOMED THE GUESTS AND THANKED THEM FOR ATTENDING. MS. MCCONNELL STATED SOME ITEMS MIGHT BE TAKEN OUT OF ORDER TO CONDUCT BUSINESS IN THE MOST EFFICIENT MANNER.

3.** SECRETARY/TREASURER'S REPORTS:

- A. THE MINUTES OF THE QUARTERLY BOARD MEETING HELD ON FEBRUARY 26, 2004 HAD BEEN PREVIOUSLY DISTRIBUTED AND REVIEWED BY THE BOARD MEMBERS. THERE WERE NO CORRECTIONS, ADDITIONS OR DELETIONS. MS. ROSE REQUESTED A MOTION. ARNOLD GREENHOUSE MOVED TO ACCEPT THE MINUTES AS WRITTEN. TERRY CLODT SECONDED THE MOTION, AND THE MOTION WAS CARRIED.
- B. THE FINANCIAL REPORTS WERE REVIEWED BY THE BOARD MEMBERS AND MS. ROSE STATED THE BOARD'S FINANCIAL STATUS IS IN A HEALTHY STATUS AND REQUESTED COMMENTS AND/OR A MOTION. TERRY CLODT MOVED TO ACCEPT THE FINANCIAL REPORTS AS PRESENTED. MARY ELLEN WILKINSON SECONDED THE MOTION, AND THE MOTION WAS CARRIED.

4.** ADMINISTRATIVE REPORT:

TERRY PEDROTTI REPORTED THAT THE LICENSEE ACTIVITY REPORT REFLECTS NO SIGNIFICANT LESSENING IN THE APPLICATIONS FOR LICENSURE; LICENSING OF NEW LICENSEES OR EXPIRED LICENSES, OTHER THAN DURING THE MONTH OF FEBRUARY WHEN A NUMBER OF THOSE WHO HAD BEEN IN THE INDUSTRY FOR MANY YEARS WERE BEGINNING TO RETIRE.

ACTIVITY IN THE OFFICE IS CONTINUING AT A NORMAL RATE. ALTHOUGH THERE ARE SEVERAL PENDING LEGAL ISSUES, MOST ARE BEING RESOLVED AND WILL BE CONCLUDED IN THE NEAR FUTURE.

5.** ADMINISTRATOR LICENSES ISSUED:

- A. NFA LICENSES:
 - (1) CLINE, WALTER A.

- (2) NAUSLAR, TIMOTHY J.

ALL CONDITIONS HAVE BEEN MET BY THE APPLICANTS. MARGARET MCCONNELL REQUESTED A MOTION. TERRY CLODT MOVED TO ACCEPT THE AFOREMENTIONED INDIVIDUALS FOR LICENSURE. ARNOLD GREENHOUSE SECONDED THE MOTION. THERE WAS NO DISCUSSION AND THE MOTION WAS CARRIED.

B. RFA LICENSES:

- (1) BELTEJAR, ERNESTO D. (REAPPLICATION)
- (2) BEST, BLAINE
- (3) MARGAROLI, GIOVANNI
- (4) MARVEL, DAVID L.
- (5) PAYNE, CAROL A. (REAPPLICATION)

A QUESTION WAS RAISED REGARDING THE PROCEDURES FOR REAPPLICATION OF LICENSEES WHO HAVE ALLOWED THEIR LICENSES TO EXPIRE AS TO WHETHER OR NOT THEY SHOULD BE REQUIRED TO RETAKE THE NATIONAL EXAM, WHETHER FOR NHA OR RC/AL. THIS ITEM WILL BE PLACED ON THE AGENDA FOR THE NEXT QUARTERLY MEETING FOR FURTHER DISCUSSION AND RESOLUTION.

ALL CONDITIONS HAD BEEN MET BY THE APPLICANTS. DOUGLAS SINCLAIR MOVED FOR FINAL APPROVAL OF ALL APPLICANTS. TERRY CLODT SECONDED THE MOTION, AND THE MOTION WAS CARRIED.

C. INACTIVE REQUESTS:

- (1) ROVIG, CARI A., RFA
- (2) SUPCHAK, PAUL H. RFA

ALL CONDITIONS HAD BEEN MET BY THE LICENSEES. TERRY CLODT MOVED TO ALLOW THE LICENSEES RECEIVE INACTIVE STATUS. ARNOLD GREENHOUSE SECONDED THE MOTION. THE MOTION WAS CARRIED.

6.** UNFINISHED BUSINESS:

A. AIT TRAINING AND PRECEPTOR TRAINING, LETTER OF INQUIRY:

DONNA ROSE EXPLAINED THAT THE BOARD HAD RECEIVED A LARGE NUMBER OF RESPONSES TO THE AIT LETTER OF INQUIRY. TERRY PEDROTTI HAD PREPARED A SPREAD SHEET ON WHICH THE ADMINISTRATORS WHO RESPONDED WERE LISTED; WHETHER OR NOT THEY OFFERED AN AIT PROGRAM; NUMBER OF HOURS OF PROGRAM; TYPE OF PROGRAM; NUMBER OF PARTICIPANTS AND NUMBER OF GRADUATES.

THOSE WHO RESPONDED ARE QUALIFIED LICENSEES WHO FULFILL THE BOARD'S REQUIREMENTS FOR PRECEPTORS OF 2 YEARS MINIMUM EXPERIENCE. MS. ROSE EXPLAINED THAT SOME OF THE PROGRAMS WERE NOT ACCEPTABLE, BECAUSE THEY WERE NOT APPROVED BY THIS BOARD. THE AIT INQUIRY LETTER SERVED TO INDICATE THAT SEVERAL QUESTIONS WILL NEED TO BE RESOLVED REGARDING NEXT PROCEDURES.

CONCLUSION REACHED WAS THAT THE NAB APPROVED PROGRAM IS AUTOMATICALLY APPROVED BY THIS BOARD. ANY OTHER PROGRAMS WILL HAVE TO BE REVIEWED BY THE BOARD. MS. ROSE STATED THAT A LETTER OF CLARIFICATION SHOULD GO OUT TO THE RESPONDENTS WHO DO NOT HAVE A NAB OR BELTCA APPROVED PROGRAM INDICATING THAT THEY MUST NOT PARTICIPATE IN THE AIT PROGRAM UNTIL THE PROGRAM IS SUBMITTED TO THE BOARD FOR REVIEW FOR FINAL APPROVAL.

MARGARET MCCONNELL SUMMED UP THE DISCUSSION BY STATING THAT THE BOARD IS NOW BEGINNING TO LEARN MORE ABOUT THE NURSING HOME ISSUE IN NEVADA THROUGH THE EXPLORATORY LETTER TO NURSING HOMES REGARDING THE AIT PROGRAM AND ACTUAL LOCATIONS OF NURSING HOMES.

A MOTION WAS REQUESTED. MARY ELLEN WILKINSON MOVED TO HAVE TERRY PEDROTTI AND DONNA ROSE SEND A REMINDER LETTER TO THOSE LICENSEES WHO DID NOT RESPOND TO THE ORIGINAL AIT INQUIRY LETTER, AND A LETTER OF CLARIFICATION TO THOSE WHO DID RESPOND THAT UNLESS THE AIT PROGRAM OFFERED BY THEIR FACILITIES IS NAB APPROVED OR APPROVED BY THIS BOARD, THEY MUST NOT CONTINUE WITH THEIR PRESENT PROGRAM. ARNOLD GREENHOUSE SECONDED THE MOTION, AND THE MOTION WAS CARRIED. FURTHER INFORMATION WILL BE PROVIDED AT THE NEXT BOARD MEETING.

A. TERRY CLODT EXPLAINED THAT THE ELDER ABUSE TRAINING PROGRAM IS WELL DEVELOPED; THE FLYERS WERE MAILED AND FAXED; AND ALL IS IN READINESS. THE SEMINAR IS SCHEDULED FOR FRIDAY, JUNE 4, 2004 AT THE COMMUNITY COLLEGE CAMPUS AT 3157 W. CHARLESTON BLVD., BUILDING "D", ROOM152.

MARGARET MCCONNELL EXPLAINED THAT THE BOARD'S CPA HAD SET UP A NEW BUDGET ITEM, "SPECIALTY EDUCATION" INTO WHICH ALL FUNDS RECEIVED AND EXPENSES WILL BE INCLUDED. MS. MCCONNELL ALSO INDICATED THAT THE DIVISION FOR AGING SERVICES WILL BE CONTRIBUTING FUNDS FOR THIS AND FUTURE

RELATED PURPOSES. RESULTS WILL BE REPORTED AT THE NEXT BOARD MEETING. MS. MCCONNELL THANKED TERRY CLODT FOR INITIATING THIS PROJECT.

B. ARNOLD GREENHOUSE AND TERRY PEDROTTI EXPLAINED THE DETAILS OF THE CPR/FIRST AID/AED CLASS THAT WAS INCLUDED BY 2 RFA ADMINISTRATORS AS PART OF THE CEU REQUIREMENTS. THIS WAS QUESTIONED BY THE BOARD MEMBERS AT THE LAST BOARD MEETING. RESEARCH WAS CONDUCTED, AND THE REFERENCED COURSE WAS APPROVED AS A "TEACHING" 8-HOUR COURSE. THUS, IT WAS APPROVED FOR USE IN CEU REQUIREMENTS FOR RENEWAL.

7.** NEW BUSINESS:

A. ROLE OF EXECUTIVE DIRECTOR VS. ADMINISTRATOR OF RECORD – DEFINE.

MARGARET MCCONNELL DESCRIBED THE EVENTS LEADING UP TO THIS ISSUE REGARDING THE ROLE OF AN EXECUTIVE DIRECTOR VERSUS ADMINISTRATOR OF RECORD. IT APPEARS THAT IN MANY INSTANCES, AN EXECUTIVE DIRECTOR IS VIEWED AS THE ADMINISTRATOR. THIS THINKING WAS REENFORCED BY A LETTER RECEIVED FROM AN EMPLOYEE OF A LARGE ASSISTED FACILITY IN WHICH HE BELIEVED (AS DID THE OTHER EMPLOYEES) THAT THE EXECUTIVE DIRECTOR WAS THE ADMINISTRATOR. HE MADE SOME SERIOUS ALLEGATIONS ABOUT MALPRACTICE AT THE PARTICULAR FACILITY. MS. MCCONNELL STATED THAT THIS ISSUE WILL BE ADDRESSED MORE FULLY IN THE PROPOSED REVISIONS TO THE ADOPTED RULES AND REGULATIONS IN THE UPCOMING WORKSHOP.

MARGARET MCCONNELL ANNOUNCED THAT DUE TO THE SCHEDULED HEARING AT 1:30 P.M. IN THE MATTER OF THE COMPLAINT AGAINST LYNN CHRISTENSEN, LICENSE NO. 307, CASE NO. B35822, CONSIDERATION OF RESPONDENTS OBJECTIONS TO BOARD'S LIST OF COSTS AND FEES, THE MEETING WOULD PROCEED TO ITEM 10. WE WILL ATTEMPT TO BREAK FOR LUNCH AT 11:45 A.M.

10.** CHARLOTTE BIBLE STATED THAT A HEARING WILL BE INCLUDED IN THE NEXT BOARD MEETING AS WELL. HOWEVER, BECAUSE THE HEARING WILL CONCERN A LAS VEGAS ADMINISTRATOR, MS. BIBLE SUGGESTED THAT THE HEARING SHOULD BE HEARD IN LAS VEGAS, RATHER THAN RENO. THIS ISSUE WILL BE DISCUSSED LATER IN THE MEETING PRIOR TO ADJOURNMENT.

MS. BIBLE ALSO STATED THAT THE ATTORNEY GENERAL'S OFFICE WAS MAKING SOME MODIFICATIONS IN THE TRAVEL TIME CHARGED TO THE BOARDS. THE BOARDS WILL NOT BE CHARGED FULL TRAVEL TIME DUE TO THE SECURITY DELAYS AT THE AIRPORTS.

11.** CORRESPONDENCE

CHARLES PERRY HAD FORWARDED INFORMATION TO SHARE WITH THE BOARD REGARDING THE ABILITY OF CALIFORNIA LICENSEES TO OBTAIN THEIR CONTINUING EDUCATION UNITS ONLINE. THERE WERE NO COMMENTS ON THIS ISSUE.

A REQUEST HAD BEEN MADE BY A CONTINUING EDUCATION PROVIDER FOR SHARING RENEWAL DATES WITH THEM AND FOR WHICH THEY WOULD PAY A FEE IN ORDER TO SEND LICENSEES FLYERS AND/OR BROCHURES FOR CONTINUING EDUCATION COURSES. THIS ISSUE WILL BE PLACED ON THE AGENDA FOR THE NEXT BOARD MEETING.

12. PUBLIC COMMENTS

PATTI SWAGER ANNOUNCED THERE WILL BE 2 COURSES GIVEN IN SEPTEMBER AND OCTOBER. THE FIRST WILL BE DIRECTED TOWARD ADMINISTRATORS IN SEPTEMBER IN RENO, AND THE SECOND WILL BE FOCUSED ON CAREGIVERS IN OCTOBER IN LAS VEGAS. BOTH COURSES WILL BE SPONSORED BY BLC.

MARGARET MCCONNELL STATED THAT THERE IS NOW AN ASSISTED LIVING ADVISORY COUNSEL TO THE BUREAU. THE GROUP MEETS EVERY 2 MONTHS, PROVIDING A COLLABORATIVE WORKING GROUP. THE NEED FOR ADDITIONAL TRAINING OF ADMINISTRATORS WAS IDENTIFIED BY THE GROUP. AS A RESULT BLC KINDLY OFFERED TO SPONSOR THE SESSIONS DESCRIBED BY PATTI SWAGER.

GILDA JOHNSTONE ALSO STATED THAT DAS IS PLANNING 2 TRAINING SESSIONS IN NORTHERN NEVADA AND SOUTHERN NEVADA. THEY HAVE COORDINATED THEIR COURSES WITH THE ALZHEIMER'S ASSOCIATION FOCUSING ON THE GROUP HOMES ADMINISTRATORS AND CAREGIVERS. THEIR MAIN TOPICS WILL BE ON DEMENTIA. THE FEE WILL BE AFFORDABLE IN ALL INSTANCES.

AT 10:45 A.M. MARGARET MCCONNELL ANNOUNCED THAT A SHORT BREAK WAS IN ORDER, AND THE MEETING WOULD RESUME AT 10:55 A.M.

8. PUBLIC WORKSHOP – PROPOSED REGULATORY CHANGES TO ADOPTED RULES AND REGULATIONS – NAC 654.**

MARGARET MCCONNELL RESUMED THE MEETING AT 11:00 A.M. MS. MCCONNELL ANNOUNCED THAT THE BOARD WOULD BE PROPOSING CHANGES TO THE BOARD'S ADOPTED RULES AND REGULATIONS, NAC 654. EACH NAC CHAPTER WILL BE REVIEWED COMMENCING WITH:

NAC 654.010 DEFINITIONS - NO CHANGES.

NAC 654.020 “BOARD DEFINED” – NO CHANGES.

NAC654.025 “CONTINUING EDUCATION UNIT DEFINED - NO CHANGES.

NAC 654.030 “NURSING FACILITY” DEFINED - NO CHANGES.

NAC 654.040 “NURSING FACILITY ADMINISTRATOR” DEFINED – NO CHANGES.

NAC 654.050 “PERSON” DEFINED - NO CHANGES

NAC 654.055 “RESIDENTIAL FACILITY FOR GROUPS” DEFINED – NO CHANGES.

NAC 654.060 CONSTRUCTION OF CHAPTER; EFFECT ON PENDING ACTIONS OR PROCEEDINGS – NO CHANGES.

NAC 654.070 SEVERABILITY – NO CHANGES.

NAC 654.080 OBTAINING COPIES OF REGULATIONS – NO CHANGES.

NAC 654.100 NURSING FACILITY ADMINSTRATOR: QUALIFICATIONS; EDUCATIONAL REQUIREMENTS FOR INITIAL LICENSE OR CONTINUING EDUCATION – NO CHANGES.

NAC 654.110 NURSING FACILITY ADMINISTRATOR: ADDITIONAL REQUIREMENTS FOR LICENSURE; FEE – NO CHANGES.

NAC 654.111 NURSING FACILITY ADMINISTRATOR; LICENSURE WITHOUT EXAMINATION – NO CHANGES.

NAC 654.112 NURSING FACILITY ADMINISTRATOR: REQUIREMENTS FOR RENEWAL OF LICENSE; FEE; USE OF TITLE

A DISCUSSION FOLLOWED IN WHICH IT WAS DETERMINED THAT A NEW SECTION BE ADDED: “4. IF THE A LICENSEE FAILS TO RENEW HIS LICENSE, TO REINSTATE SUCH A LICENSE, THE LICENSEE MUST COMPLY WITH ALL REQUIREMENTS OF A NEW APPLICATION PURSUANT TO NRS 654.160 AND TAKE A NEW EXAMINATION PURSUANT TO NAC 654.140.”

NAC 654.130 NURSING FACILITY ADMINISTRATOR: APPROVAL OF PROGRAM OF STUDY; CONTINUING EDUCATION REQUIRED FOR RENEWAL OF LICENSE. – NO CHANGES.

NAC 654.140 NURSING FACILITY ADMINISTRATOR: EXAMINATION FOR LICENSURE – NO CHANGES.

NAC 654.152 ADMINISTRATOR OF RESIDENTIAL FACILITY FOR GROUPS: APPLICATION FEE; RENEWAL FEE; CONTINUING EDUCATION

MARY ELLEN WILKINSON MOVED TO INCLUDE THE WORDING USED IN NAC 654.112 AS THE NEW SECTION 4 RELATIVE TO EXPIRATION OF LICENSES AND REQUIREMENTS INCLUDING THE EXAM, AND MOVING THE PRESENT SECTION 4 OF THIS CHAPTER TO SECTION 5, 5 TO 6 AND 6 TO 7. THE MOTION WAS SECONDED BY TERRY CLODT AND THE MOTION WAS CARRIED.

NAC 654.155 ADMINISTRATOR OF RESIDENTIAL FACILITY FOR GROUPS: QUALIFICATIONS FOR LICENSURE -

A DISCUSSION WAS HELD REGARDING THE QUALIFICATIONS OF RESIDENTIAL FACILITY ADMINISTRATOR AS TO WHETHER THERE SHOULD BE ANOTHER FORM OF TRAINING AND/OR AN ADDITION OF A ONE-ON-ONE TYPE OF TRAINING SOMEWHAT SIMILAR TO THE NFA AIT PROGRAM. SINCE NO SPECIFIC TYPE OF ADDITIONAL TRAINING APPEARS TO BE FEASIBLE AT THIS TIME, AN ALTERNATIVE TRAINING PROGRAM WILL BE CONSIDERED IN THE FUTURE TO INCREASE THE QUALITY OF NEW PEOPLE IN THE INDUSTRY. THIS ITEM WILL BE ADDED TO THE AGENDA FOR THE NEXT BOARD MEETING.

NAC 654.157 ADMINISTRATOR OF RESIDENTIAL FACILITY FOR GROUPS: LICENSURE WITHOUT EXAMINATION – NO CHANGES.

NAC 654.162 ADMINISTRATOR OF RESIDENTIAL FACILITY FOR GROUPS: EXAMINATION FEE; PASSING GRADE; REEXAMINATION –

A DISCUSSION OCCURRED IN WHICH IT WAS DETERMINED THAT ADDITIONAL LANGUAGE SHOULD BE ADDED TO DEFINE MORE EXPLICITLY THE ROLE OF AN ADMINISTRATOR. ARNOLD GREENHOUSE MOVED TO INCLUDE SOME OF THE LANGUAGE FROM NAC 449.157, NAC 449.017 AND NAC 449.194 TO ENFORCE THE ADMINISTRATOR'S ROLE IN A FACILITY. MARY ELLEN WILKINSON SECONDED THE MOTION. THE MOTION WAS CARRIED.

MARGARET MCCONNELL STATED AT 12:20 P.M. THAT THE GROUP SHOULD BREAK FOR LUNCH AT THIS POINT TO RETURN FOR THE HEARING THAT WAS SCHEDULED FOR 1:30 P.M., AT WHICH TIME THE MEETING WILL BE RESUMED.

THE HEARING WAS CALLED TO ORDER AT 1:45 P.M.

9.IN THE MATTER OF THE COMPLAINT AGAINST LYNN CHRISTENSEN, LICENSE NO. 307, CASE NO. B35822, CONSIDERATION OF RESPONDENT'S OBJECTIONS TO BOARD'S LIST OF COSTS AND FEES:**

CHARLOTTE M. BIBLE CONTACTED JOHN RIVAS, RESPONDENT'S ATTORNEY, AT 2:00 P.M. THE CONFERENCE CALL WAS ARRANGED.

MS. BIBLE STATED THAT MARY ELLEN WILKINSON WOULD PRESIDE.

MARY ELLEN WILKINSON ASKED THAT EACH OF THE MEMBERS OF THE BOARD IDENTIFY THEMSELVES AND THEIR POSITIONS:

CHARLOTTE M. BIBLE, ATTORNEY GENERAL'S OFFICE REPRESENTING THE INVESTIGATING BOARD MEMBERS; TERRY PEDROTTI, EXECUTIVE SECRETARY OF THE BOARD; DONNA ROSE, SECRETARY/TREASURER, DOUGLAS SINCLAIR, BOARD MEMBER; ARNOLD GREENHOUSE, BOARD MEMBER; TERRY CLODT; BOARD MEMBER; MARY ELLEN WILKINSON, VICE CHAIR OF THE BOARD AND ACTING CHAIR IN THIS ISSUE; ROBERT BONY, ATTORNEY GENERAL'S OFFICE.

MS. WILKINSON ASKED THAT THE PARTIES ON THE TELEPHONE IDENTIFY THEMSELVES:

JOHN RIVAS, ATTORNEY IN AUSTIN, TEXAS, REPRESENTING LYNN CHRISTENSEN, AND MS. CHRISTENSEN.

MARY ELLEN WILKINSON ASKED MR. RIVAS TO BEGIN. MR. RIVAS EXPRESSED GRATITUDE FOR ALLOWING THE MEETING TO TAKE PLACE BY TELEPHONE.

MR. RIVAS REITERATED THAT INITIALLY THE BOARD BROUGHT FOUR (4) COUNTS AGAINST LYNN CHRISTENSEN. ONE OF THE COUNTS WAS THE ALLEGATION THAT MS. CHRISTENSEN HIRED AN EMPLOYEE KNOWN TO HAVE A HISTORY OF ABUSE. THAT COUNT WAS SUSTAINED AT HEARING; SECOND COUNT WAS ENGAGING IN UNPROFESSIONAL CONDUCT IN FAILING TO COMPLY WITH INTERNAL POLICY WAS DISMISSED. COUNT THREE, UNPROFESSIONAL CONDUCT IN FAILING TO COMPLY WITH INTERNAL POLICY WAS DISMISSED BEFORE HEARING. COUNT FOUR, UNPROFESSIONAL CONDUCT IN FAILING TO COMPLY WITH STATE LAW. THAT COUNT WAS SUSTAINED. AT THE CONCLUSION OF THE HEARING THE TWO (2) COUNTS WERE FOUND TO BE IN VIOLATION OF THE ACT.

FOLLOWING THE HEARING, A LIST OF ATTORNEYS' FEES AND OTHER RELATED COSTS IN THE AMOUNT OF \$11,920.66 WERE ASSESSED AGAINST THE LICENSEE. MR. RIVAS STATED THAT THE BOARD HAS THE AUTHORITY, UNDER NEVADA STATUTES, TO BE AWARDED REASONABLE ATTORNEY FEES AND COSTS. THE LICENSEE AND ATTORNEY FELT THAT THE ENTIRE AMOUNT SHOULD NOT BE ASSESSED AGAINST MS. CHRISTENSEN, BECAUSE THE BOARD ORIGINALLY BROUGHT 4 CHARGES AGAINST THE LICENSEE, AND THE LICENSEE, RIGHTFULLY, HAD THE RIGHT TO DEFEND HERSELF. THE BOARD FOUND THAT 2 OF THE COUNTS AGAINST THE LICENSEE WERE NOT SUSTAINABLE. THUS, IT WOULD NOT BE REASONABLE THAT THE ENTIRE AMOUNT OF THE FEES BE ASSESSED AGAINST THE LICENSEE, BECAUSE THEY COULD NOT DETERMINE WHAT AMOUNT OF WORK WAS DONE ON WHICH COUNT. THEREFORE, MR. RIVAS AND MS. CHRISTENSEN ASKED THE BOARD NOT TO ASSESS ANY FEES OR AMOUNTS. IN THE ALTERNATIVE, THE ONLY REASONABLE SOLUTION WOULD BE TO CUT THE ATTORNEY FEES IN HALF BECAUSE ONLY 2 OF THE ALLEGATIONS AGAINST THE LICENSEE WERE SUSTAINED. FURTHER, MR. RIVAS STATED THAT MS. CHRISTENSEN, AS AN ADMINISTRATOR, ONLY MAKES APPROXIMATELY \$50,000 PER YEAR, AND IF SHE WOULD BE RESPONSIBLE TO PAY THESE PENALTIES, IT WILL PLACE A TREMENDOUS BURDEN ON HER. ALSO, BECAUSE THE BOARD COULD HAVE METED OUT A HARSHER PUNISHMENT THAN IT DID: PROBATION AND CONTINUING EDUCATION, THEY DO NOT FEEL THAT THE PENALTIES ARE APPROPRIATE. MR. RIVAS FELT THAT MS. CHRISTENSEN SHOULD NOT BE BURDENED WITH AN ALMOST \$12,000.00 PENALTY BECAUSE OF THE SANCTIONS IMPOSED. MR. RIVAS THANKED THE BOARD FOR ITS TIME AND STATED THAT MS. CHRISTENSEN WAS AVAILABLE FOR FURTHER QUESTIONS, IF THE BOARD DESIRED.

THE PRESIDING CHAIRPERSON, MARY ELLEN WILKINSON, THANKED MR. RIVAS AND STATED THAT CHARLOTTE BIBLE WOULD NOW STATE THE BOARD'S POSITION. MS. BIBLE STATED THAT SHE, ON BEHALF OF THE BOARD, OBJECTED TO THE COSTS AND FEES BEING REDUCED, AS THEY WERE FEES INCURRED FOR THE ENTIRE LEGAL PROCEEDINGS IN THIS MATTER. THE ARGUMENT MADE BY MR. RIVAS TO APPORTION THE COSTS ACCORDING TO THE COUNTS UPON WHICH THE RESPONDENT WAS FOUND GUILTY IS NOT APPLICABLE IN THIS CASE. THE COUNTS WERE ALL RELATED,

AND IT WOULD NOT BE FEASIBLE TO TRY TO DISCERN WHICH FEES WERE RELATED TO ANY OF THE INDIVIDUAL COUNTS.

ALSO, MR. RIVAS MENTIONED THAT THE FEES WERE NOT REASONABLE. HOWEVER, THE BOARD PAID FOR THE FEES CHARGED FOR THE ATTORNEYS, INCLUDING THE COUNSEL WHO WAS AT THE HEARING. THE INVESTIGATIVE FEES WERE INCREDIBLY REASONABLE IN AS MUCH AS BOARD MEMBERS WHO DID THE INVESTIGATIONS CHARGED VERY LITTLE FOR THE TIME SPENT. ADDITIONALLY, MS. BIBLE CITED NRS 622.400 IN WHICH IT STATES: "A REGULATORY BODY MAY RECOVER FROM A PERSON REASONABLE ATTORNEYS' FEES AND COSTS THAT ARE INCURRED BY THE REGULATORY BODY AS PART OF INVESTIGATIVE, ADMINISTRATIVE AND DISCIPLINARY PROCEEDINGS AGAINST THE PERSON IF THE REGULATORY BODY (a) ENTERS A FINAL ORDER IN WHICH IT FINDS THAT THE PERSON HAS VIOLATED ANY PROVISION OF THIS TITLE WHICH THE REGULATORY BODY HAS THE AUTHORITY TO ENFORCE ANY REGULATION ADOPTED PURSUANT THERETO OR ANY ORDER OF THE REGULATORY BODY." MS. BIBLE EXPLAINED THAT SECTION A OF THE STATUTE APPLIES.

MS. BIBLE STATED THAT AN ORDER WAS ENTERED INTO BY THIS BOARD, FINDING VIOLATIONS BY MS. CHRISTENSEN. MS. BIBLE STATED THAT IT ALSO PROVIDES A DEFINITION OF COSTS, WHICH MEANS: "COSTS OF AN INVESTIGATION, COSTS OF PHOTOCOPIES, FACSIMILIES, LONG DISTANCE TELEPHONE CALLS AND POSTAGE AND DELIVERY, FEES FOR COURT REPORTERS AT ANY DEPOSITION OR HEARING, FEES FOR EXPERT WITNESSES OR OTHER WITNESSES AT ANY DEPOSITION OR HEARING, FEES FOR NECESSARY INTERPRETERS AT ANY DEPOSITION OR HEARING, FEES FOR SERVICES AND DELIVERY OF PROCESS AND SUBPOENAS, AND EXPENSES FOR RESEARCH INCLUDING FEES FOR COMPUTERIZED SERVICES FOR LEGAL RESEARCH." MS. BIBLE WENT ON TO STATE THAT NOT ONLY DOES 654.190(3) SUBSECTION 3 ALLOWS FOR THE IMPOSITION OF COSTS AND ATTORNEYS' FEES, BUT NRS 622.400(1)(c) ALSO ALLOWS FOR ATTORNEYS' FEES.

MS. BIBLE WENT ON TO STATE THAT THIS BOARD COULD HAVE IMPOSED A \$2500.00 FINE FOR EACH OF THE COUNTS, BUT DID NOT. THE OTHER ALTERNATIVE WAS THE BOARD COULD HAVE REVOKED THE LICENSE, AND THE BOARD CHOSE NOT TO DO THAT, WHICH WOULD HAVE BEEN A VERY STRONG PENALTY. INSTEAD THE BOARD IMPOSED THE CEU REQUIREMENT, 2-YR PROBATION AND PAYMENT OF THE FEES AND COSTS. THUS. THE FEES THAT WERE SUBMITTED ARE REASONABLE AND THAT THEY MAY BE IMPOSED.

MARY ELLEN WILKINSON THANKED MS. BIBLE AND ASKED MR. RIVAS FOR HIS COMMENTS.

MR. RIVAS STATED THAT THEIR ARGUMENT STANDS THAT IT IS NOT REASONABLE TO ASSESS THE ENTIRE AMOUNT OF THE COSTS AND FEES OF THE STATE WHEN THE BOARD ONLY PROVED HALF OF THE CASE. SECONDLY, THEY RESPECTFULLY DISAGREE THAT THE COUNTS ARE INTERRELATED. THE COUNTS RELATE TO SIMILAR PEOPLE, BUT THE EVIDENCE TO PROVE EACH OF THE COUNTS AND THE WORK AND TIME AND LEGAL TIME AND INVESTIGATIVE TIME TO PROVE EACH OF THOSE COUNTS HAS TO BE DIFFERENT. MR. RIVAS ASKED THAT THE BOARD DETERMINE WHAT IS REASONABLE AND WHAT WAS PROVEN.

MARY ELLEN WILKINSON THANKED MR. RIVAS AND RETURNED TO MS. BIBLE.

CHARLOTTE BIBLE STATED THAT SHE HAD TO DISAGREE WITH MR. RIVAS REGARDING INTERRELATION OF THE COUNTS. ACTUALLY COUNT 1 AND 2 ARE MORE CLOSELY RELATED BECAUSE THEY DEAL WITH THE EMPLOYEE AND HER HISTORY OF ABUSE. COUNTS 3 AND 4 DEAL WITH THE REPORTING REQUIREMENT IN FOLLOWING POLICY AND ARE BOTH INTER RELATED AND THE POLICY THAT MIRRORS STATE POLICY AND STATE LAW REQUIREMENTS. THUS, THE FACT THAT ONE COUNT IN EACH OF THOSE SCENARIOS WAS NOT UPHOLD BY THE BOARD DOES NOT DETRACT FROM THE WORK THAT HAD TO BE DONE ON BRINGING THIS CASE AND PROSECUTION TO CONCLUSION.

MARY ELLEN WILKINSON THANKED MS. BIBLE AND RETURNED TO MR. RIVAS.

MR. RIVAS STATED THAT WAS ALL THEY HAD, BUT THAT MS. CHRISTENSEN WAS ON THE TELEPHONE AND DID THE BOARD HAVE ANY QUESTIONS.

MS. WILKINSON ASKED IF MS. CHRISTENSEN HAD ANYTHING SHE WANTED TO SHARE WITH THE BOARD. MS. CHRISTENSEN RESPONDED THAT MR. RIVAS HAD SHARED EVERYTHING WITH HER AND SHE HAD NOTHING FURTHER TO ADD. MS. WILKINSON THANKED MS. CHRISTENSEN.

NEITHER MR. RIVAS NOR MS. BIBLE HAD ANY FURTHER COMMENTS, AND MS. WILKINSON ASKED THE BOARD MEMBERS FOR THEIR COMMENTS.

TERRY CLODT INTRODUCED HIMSELF AND STATED THAT IN THE RESPONDENT'S RESPONSE, MR. RIVAS INDICATED THAT THIS BOARD IS A STATE FUNCTION PAID WITH TAX DOLLARS. MR. CLODT STATED THAT THIS BOARD IS NOT STATE FUNDED, AND ITS REVENUE IS GENERATED FROM LICENSING FEES. MR. RIVAS RESPONDED THAT HE HAD LEARNED THIS FACT AFTER SPEAKING WITH MS. BIBLE.

MS. WILKINSON ASKED FOR FURTHER QUESTIONS. THERE WERE NONE.

MS. WILKINSON ASKED IF THERE WAS A DISCUSSION. ARNOLD GREENHOUSE STATED THAT WHEN THE DECISION WAS MADE ORIGINALLY TO UPHOLD ONLY 2 OF THE COUNTS IN QUESTION, HE FELT THE BOARD WAS BEING VERY LENIENT AND WAS NOT HAPPY WITH THAT DECISION. HE FELT THAT THE COUNTS WERE OF AN EGREGIOUS NATURE AND HE WAS NOT VERY COMFORTABLE WITH ELIMINATING THE OTHER 2 COUNTS.

MARY ELLEN WILKINSON ASKED FOR FURTHER DISCUSSION. THERE WAS NONE, AND SHE ASKED IF THE BOARD WAS READY TO VOTE ON THIS ACTION. MS. WILKINSON WENT ON TO STATE THAT THERE WERE BOARD MEMBERS WHO DID NOT VOTE DURING THE HEARING AND WOULD BE ABSTAINING FROM VOTING AT THIS SESSION. MS. WILKINSON THEN REQUESTED A MOTION. ARNOLD GREENHOUSE MOVED THAT THE BOARD MAINTAIN THE ACTIONS TAKEN AT THE HEARING AND THE PENALTIES BE IMPOSED AS THEY HAD BEEN AT THE HEARING. DOUGLAS SINCLAIR SECONDED THE MOTION. ALL BOARD MEMBERS APPROVED THE MOTION. MS. WILKINSON STATED THAT WHILE MARGARET MCCONNELL, CHAIRPERSON AND DONNA ROSE, SECRETARY/TREASURER WERE PRESENT, THEY DID NOT VOTE.

MS. WILKINSON STATED THAT THIS WOULD CLOSE THE ISSUE. MR. RIVAS ASKED THAT HE STATE ONE CONDITION. HE STATED THAT SINCE THE AMOUNT IS SUCH THAT IT IS, THEY REQUESTED THAT THE BOARD GIVE MS. CHRISTENSEN TIME TO PAY OFF THIS AMOUNT AND THE BOARD CONSIDER GIVING MS. CHRISTENSEN UP TO THE CONCLUSION OF HER PROBATION (2 YEARS) TO PAY OFF THE PENALTY. MS. WILKINSON STATED SHE WOULD DEFER THAT QUESTION TO MS. BIBLE.

CHARLOTTE BIBLE STATED THAT SHE WOULD ASK THE BOARD MEMBERS IF THAT WOULD BE ALLOWED WITH INTEREST ACCRUING ON THE UNPAID AMOUNT. THERE ARE TWO CONCERNS – WITH A 2-YEAR PROBATION, THE STATE CANNOT ENTER INTO AN AGREEMENT FOR CREDIT AND LENDING FOR MORE THAN ONE YEAR. MS. BIBLE SAID THE BOARD COULD AGREE TO A YEAR FOR PAYMENT OF THE FEES, BUT FEELS THAT THE BOARD CANNOT CHARGE INTEREST UNTIL IT COMES TO JUDGMENT. THEREFORE, SHE FELT THAT BOARD WOULD ALLOW MS. CHRISTENSEN A YEAR TO PAY THE FEES.

TERRY CLODT, BOARD MEMBER, ASKED WHEN THE YEAR WOULD BEGIN. MR. RIVAS STATED THAT SINCE THE COSTS HAVE BEEN IN CONTEST UNTIL THIS DATE, THE YEAR WOULD BEGIN AS OF TODAY AND THE FEES BE PAID A YEAR FROM TODAY. MS. BIBLE RESPONDED THAT SHE WOULD NOT OBJECT TO THE EFFECTIVE DATE OF ORDER, AS IT WOULD HAVE TO BE IN WRITING TO BECOME A PUBLIC RECORD, BUT PAID IN EQUAL MONTHLY INSTALLMENTS FOR A PERIOD OF 1 YEAR FROM THE DATE OF EFFECTIVE ORDER.

MR. RIVAS STATED HE WOULD PREFER TO HAVE THIS ALL COME DUE AT THE END OF THE YEAR, AS IT WOULD BE EASIER FOR ACCOUNTING PURPOSES, AND SINCE THE LICENSEE WILL STILL BE ON PROBATION AT THE END OF THE YEAR, THE BOARD COULD SANCTION MS. CHRISTENSEN IF THE PAYMENT IS NOT MADE.

DOUGLAS SINCLAIR ASKED WHAT RECOURSE THE BOARD WOULD HAVE IF THE LICENSEE MOVED OUT OF STATE. IF SO, THIS BOARD WOULD HAVE NO JURISDICTION OVER THE LICENSEE FOR COLLECTING ITS COSTS AND FEES. MR. RIVAS EXPLAINED THE BOARD MEMBERS' CONCERNS TO MS. CHRISTENSEN AND THAT IF MS. CHRISTENSEN WERE TO MOVE OUT OF STATE, THE BOARD WOULD LIKE TO BE ABLE TO ENFORCE THE JUDGMENT. MS. CHRISTENSEN STATED SHE HAS LIVED IN MESQUITE FOR 3 YEARS AND HAS NO INTENTION OF MOVING OUT OF STATE, AS THE COMPANY FOR WHOM SHE WORKS HAS BEEN VERY SUPPORTIVE. MS. CHRISTENSEN STATED THAT IF SHE OWES THE DEBT, IT WILL BE PAID.

TERRY CLODT ASKED IF WE HAVE ANY RECOURSE IF MS. CHRISTENSEN DOES NOT COMPLY WITH THE JUDGMENT. CHARLOTTE BIBLE STATED THAT IF SHE DOES NOT COMPLY, THE BOARD COULD BRING ANOTHER COMPLAINT FOR FAILURE TO COMPLY WITH THE BOARD'S ORDERS. DOUGLAS SINCLAIR STATED THAT THE BOARD COULD DO THAT IF MS. CHRISTENSEN STILL HAS A LICENSE. TERRY CLODT ASKED WHAT OTHER ACTIONS COULD BE TAKEN IF THAT WERE THE CASE – COULD HER LICENSE BE REVOKED. MS. BIBLE RESPONDED THAT COULD BE DONE IF ANOTHER COMPLAINT IS ISSUED FOR FAILURE TO COMPLY WITH THE BOARD'S ORDERS. MR. RIVAS ASKED FOR CLARIFICATION. MS. BIBLE RESPONDED THAT IF MS. CHRISTENSEN FAILS TO PAY WITHIN THE YEAR, THE BOARD COULD FILE ANOTHER COMPLAINT AND TAKE WHATEVER ACTION THAT IS ALLOWED BY STATUTE – FINES, SUSPENSION, REVOCATION FOR FAILURE TO COMPLY WITH BOARD'S ORDERS.

MARY ELLEN WILKINSON STATED THAT PART OF THE BOARD'S CONCERNS IS THAT IF MS. CHRISTENSEN WERE OUT OF STATE, COULD THAT STILL APPLY. MS. BIBLE RESPONDED THAT IF MS. CHRISTENSEN STILL HAS A LICENSE SHE WOULD BE SERVED AT HER LAST KNOWN ADDRESS AND THE BOARD COULD STILL TAKE ACTION AGAINST HER. IF SHE SURRENDERS HER LICENSE, THE BOARD DOES NOT HAVE TO ACCEPT HER SURRENDER, BECAUSE SHE IS ON PROBATION FOR 2 YEARS. DOUGLAS SINCLAIR STATED HE WAS UNCOMFORTABLE WITH GIVING MS. CHRISTENSEN A YEAR TO COME UP WITH THE MONEY IN ONE LUMP SUM, AND WHAT PLAN IS IN PLACE TO MAKE CERTAIN THAT MS. CHRISTENSEN HAS THE MONEY AT THE END OF THE YEAR.

JOHN RIVAS ASKED MS. CHRISTENSEN WHAT PLANS SHE HAD FOR PAYING THIS FEE AT THE END OF THE YEAR'S TIME. MS. CHRISTENSEN EXPLAINED THAT MONTHLY PAYMENTS WOULD NOT WORK FOR HER, BUT SHE HAS A HOUSE FOR SALE AND A BUYER AND AS SOON AS THAT SALE CLOSES, SHE WILL PAY THE FULL AMOUNT.

MS. WILKINSON ASKED FOR COMMENTS AND/OR QUESTIONS. DOUGLAS SINCLAIR MOVED THAT MS. CHRISTENSEN MAKE EQUAL MONTHLY PAYMENTS, INTEREST FREE, FOR ONE YEAR. ROB BONY, COUNSEL, SUGGESTED THAT THE BOARD COULD HAVE OTHER OPTIONS. ARNOLD GREENHOUSE SECONDED THE MOTION. MS. WILKINSON ASKED FOR A DISCUSSION. DOUGLAS SINCLAIR AMENDED HIS MOTION TO STATE THAT THE ENTIRE BALANCE COULD BE PREPAID AT ANY TIME. THE MOTION AS AMENDED WAS CARRIED UNANIMOUSLY. MR. RIVAS ASKED FOR A DEFINITE DATE FOR THE FIRST DUE DATE. MS. WILKINSON DEFERRED TO CHARLOTTE BIBLE WHO STATED THAT THE EFFECTIVE DATE WOULD BE DUE ONE MONTH FROM THE MAILING DATE OF THE ORDER. MR. RIVAS RECOMMENDED THAT THE EFFECTIVE DATE WOULD BE ONE MONTH FROM THE DATE OF THE SIGNING OF THE ORDER. MS. WILKINSON STATED SHE FELT THAT THE BOARD HAD NO OBJECTIONS TO THAT, AND THE PAYMENTS WOULD BE MAILED TO THE BOARD OFFICE. TERRY CLODT MOVED THAT THE EFFECTIVE DATE OF PAYMENT WOULD BE ONE MONTH FROM THE DATE OF THE SIGNING OF THE ORDER, AND THAT PAYMENT WOULD BE SENT TO THE BOARD OFFICE. THE MOTION WAS SECONDED BY ARNOLD GREENHOUSE. THERE WERE NO FURTHER COMMENTS OR DISCUSSION AND THE MOTION WAS CARRIED UNANIMOUSLY.

MARY ELLEN WILKINSON THANKED MR. RIVAS AND MS. CHRISTENSEN AND THE BOARD MEMBERS, AND THE HEARING WAS ADJOURNED AT 2:45 P.M.

8.** THE PUBLIC WORKSHOP WAS RESUMED AT 3:00 P.M.

NAC 654.165 ADMINISTRATOR OF RESIDENTIAL FACILITY FOR GROUPS: USE OF TITLE:

MARGARET MCCONNELL STATED THAT A BETTER DEFINITION OF WAS NEEDED AND THE BOARD WOULD INCORPORATE SOME OF THE LANGUAGE USE IN NAC 449.157, IN ORDER TO HAVE A BETTER MONITORING SYSTEM OF THE PRESENCE OF ADMINISTRATORS IN ASSISTED LIVING FACILITIES.

NAC 654.168 NURSING FACILITY ADMINISTRATOR AND ADMINISTRATOR OF RESIDENTIAL FACILITY FOR GROUPS: TIME FOR COMPLETION OF APPLICATION; PROVISIONAL LICENSURE; TRANSFER OF LICENSE TO INACTIVE STATUS:

SECTION 1 WILL BE ELIMINATED. SECTION 2 WILL BECOME SECTION 1 AND WILL READ:

"THE BOARD MAY ISSUE A PROVISIONAL LICENSE PENDING THE RECEIPT OF THE FBI CRIMINAL BACKGROUND CLEARANCE TO AN APPLICANT WHO OTHERWISE MEETS ALL LICENSURE REQUIREMENTS. THE PROVISIONAL LICENSE EXPIRES 90 DAYS AFTER THE DATE IT IS ISSUED AND IS RENEWABLE AT THE DISCRETION OF THE BOARD."

MARGARET MCCONNELL ASKED FOR A MOTION. ARNOLD GREENHOUSE MOTIONED TO HAVE SECTION 1 DELETED; SECTION 3 IS DELETED; SECTION 2 WILL BECOME SECTION 1 WITH THE NEW WORDING AGREED UPON; SECTION 3 WILL BE DELETED; AND SECTION 4 WILL BECOME SECTION 2. TERRY CLODT SECONDED THE MOTION, AND IT WAS CARRIED UNANIMOUSLY.

NAC 654.169 NURSING FACILITY ADMINISTRATOR AND ADMINISTRATOR OF RESIDENTIAL FACILITY FOR GROUPS: RENEWAL FOR HOLDERS OF BOTH LICENSES.

NO CHANGES.

NAC 654.170 SUFFICIENCY OF PROGRAMS OF TRAINING AND INSTRUCTION:

NO CHANGES.

NAC 654.190 NURSING FACILITY ADMINISTRATOR AND ADMINISTRATOR OF RESIDENTIAL FACILITY FOR GROUPS: DISPLAY OF LICENSE AND CERTIFICATE OF REGISTRATION:

"AND CERTIFICATE OF REGISTRATION" WILL BE DELETED IN THE TITLE AND IN THE TEXT.

THE SENTENCE: "EACH PERSON LICENSED AS A NURSING FACILITY ADMINISTATOR OR AN ADMINISTRATOR OF A RESIDENTIAL FACILITY FOR GROUPS SHALL DISPLAY HIS ORIGINAL LICENSE IN A CONSPICUOUS PUBLIC PLACE AT THE FACILITY FOR WHICH HE OR SHE IS ADMINISTRATOR OF RECORD." (THE UNDERLINED WORDING WILL REPLACE THE ORIGINAL WORDING.) A MOTION WAS REQUESTED. ARNOLD GREENHOUSE MOVED IN CHANGE THE SENTENCE TO INCLUDE THE NEW WORDING. TERRY CLODT SECONDED THE MOTION, AND THE MOTION WAS CARRIED UNANIMOUSLY.

NAC 654.200 ISSUANCE OF DUPLICATE LICENSE; FEE:

NO CHANGES.

NAC 654.210 GROUNDS FOR DISCIPLINARY ACTION:

NO CHANGES.

NAC 654.220 COMPLAINTS: FILING; INVESTIGATION; FORMAL HEARING; DISCIPLINARY ACTION; DISMISSAL OF CHARGES:

THE SUBJECT OF "SUBPOENA POWER" WAS DISCUSSED AT LENGTH, AND IT WAS SUGGESTED THAT A REQUEST VIA LETTER SHOULD BE MADE TO RANDOLPH TOWNSEND TO SPONSOR A BDR IN WHICH THIS ISSUE COULD BE ADDED TO NRS 654.110, ALONG WITH THIS BOARD'S ABILITY TO BE ABLE TO REQUEST ALL DOCUMENTS IN A FACILITY FOLLOWING A COMPLAINT, ALLOWING THIS BOARD BROADER INVESTIGATIVE POWERS.

IN SUMMARY, THE BDR REQUEST WILL CONTAIN STATUTORY ALLOWANCE FOR THIS BOARD TO HAVE SUBPOENA POWER AND THE ABILITY TO BE ABLE TO REQUEST ALL DOCUMENTS IN A FACILITY.

AN ADDITIONAL CATEGORY WAS SUGGESTED TO FURTHER DEFINE GROUNDS FOR DISCIPLINARY ACTION.

A MOTION WAS REQUESTED. DOUGLAS SINCLAIR MOVED TO REQUEST A BDR FOR THE ADDITION OF SUBPOENA POWER AND ELIGIBILITY OF THIS BOARD TO OBTAIN ANY ALL RECORDS REQUIRED TO COMPLETE AN INVESTIGATION IN A DISCIPLINARY ACTION. ALSO THAT SECTION 5 (g) BE CHANGED ADDING THE WORDING FOR ADMINISTRATIVE FINE OF NOT MORE THAN \$2,500 (NRS 654.190) PER VIOLATION". DONNA ROSE SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

TERRY CLODT INTRODUCED HIS NEW FORM: "WITNESS STATEMENT" FOR USE AS A TOOL IN FUTURE INVESTIGATIONS. IT WAS SUGGESTED THAT THIS FORM BE PLACED ON THE AGENDA FOR THE NEXT BOARD MEETING AS AN ACTION ITEM.

NAC 664.230 REINSTATEMENT OF LICENSE:

NO CHANGES.

NAC 654.250 LIMITATIONS ON ADMINISTRATION OF MULTIPLE FACILITIES; SECONDARY ADMINISTRATOR'S LICENSE; FEE; WAIVER:

DURING A DISCUSSION, IT WAS DECIDED THAT ANY ADMINISTRATOR MUST NOTIFY THE BOARD OF ANY CHANGES IN PERSONAL MAILING ADDRESS AND/OR PLACE OF EMPLOYMENT AT ALL TIMES WITHIN 15 WORKING DAYS. NEVADA HAS NO GRACE PERIOD. A MONETARY FINE WILL BE INCURRED FOR EACH VIOLATION UP TO \$2,500.

DOUGLAS SINCLAIR MOVED THAT THE BOARD ADD A SECTION TO NAC 654.250 STATING: "ALL ADMINISTRATORS MUST AT ALL TIMES NOTIFY THE BOARD OF ANY CHANGES IN PERSONAL MAILING ADDRESS AND/OR THE FACILITY AT WHICH HE/SHE IS ADMINISTRATOR OF RECORD WITHIN 15 WORKING DAYS. NEVADA HAS NO GRACE PERIOD. A MONETARY FINE WILL BE IMPOSED FOR EACH VIOLATION UP TO \$2,500. TERRY CLODT SECONDED THE MOTION, AND THE MOTION WAS CARRIED.

THE WORKSHOP WAS CONCLUDED.

13. DATE/TIME/LOCATION – NEXT QUARTERLY MEETING:**

THE BOARD MEMBERS CONSULTED THEIR CALENDARS, AND THE NEXT QUARTERLY BOARD MEETING WILL BE HELD IN RENO ON TUESDAY, AUGUST 10, 2004, LOCATION TO BE DETERMINED, AT 9:30 A.M.

A SPECIAL MEETING WAS DECIDED UPON IN LAS VEGAS ON JULY 27, 2004, AT 10:30 A.M., LOCATION TO BE DETERMINED, FOR A PUBLIC HEARING INTO THE MATTER OF DISCIPLINARY ACTION AGAINST A RESIDENTIAL FACILITY ADMINISTRATOR.

14.** THERE BEING NO FURTHER BUSINESS, A MOTION WAS REQUESTED. MARY ELLEN WILKINSON MOVED TO ADJOURN THE MEETING AT 4:45 P.M. THE MOTION WAS SECONDED BY DOUGLAS SINCLAIR. THE MOTION WAS CARRIED.

RESPECTFULLY SUBMITTED:

TERRY PEDROTTI, EXECUTIVE SECRETARY

ATTESTED:

DONNA ROSE, SECRETARY/TREASURER